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12
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF LOS ANGELES

15 CHURCH OF SCIENTOLOGY OF)
CALIFORNIA, a California)
16 corporation,) Case No. 2420153
17 Plaintiff,) PLAINTIFFS' SUPPLEMENTAL
MEMORANDUM OF POINTS
18 vs.) AND AUTHORITIES IN
OPPOSITION TO APPLICATION
19 GERALD ARMSTRONG; DOES 1) TO INTERVENE AND FOR
through DOE 10, inclusive,) ACCESS TO SEALED FILES
20) AND FOR AWARD OF SANCTIONS
Defendants.) AGAINST JOSEPH A. YANNY
21 GERALD ARMSTRONG,)
22 Cross-Complainant,) DATE: December 23, 1991
vs.) TIME: 9:00 a.m.
23) DEPT: 56
24 CHURCH OF SCIENTOLOGY OF)
CALIFORNIA, a California)
25 corporation; L. RON HUBBARD;)
and DOES 1 through 100,)
26 inclusive,)
Cross-Defendants.)

1 In addition to the authorities cited at pages 5-7 of
2 Plaintiffs' opposition, plaintiff cites Fireman's Fund Insurance
3 Company v. Gerlach (1976) 56 Cal.App. 3d 299, 303, 128 Cal.Rptr.
4 396 for the proposition that Yanny lacks a sufficient interest in
5 this motion to intervene because his alleged interest is, at
6 best, contingent and not of such a direct and immediate character
7 that he will either gain or lose by enforcement of the settlement
8 agreement. Indeed, in the Gerlach case, the court said:

9 ...The proposed intervener's "interest in the
10 matter in litigation...must be of such a
11 direct and immediate character that [he] will
12 either gain or lose by the direct operation
13 and effect of the judgment. (citations) The
14 issues of the action may not be enlarged by
15 the proposed intervention. (citation) And,
all important, the intervention must be
denied if the reasons therefore "are
outweighed by the right of the original
parties to conduct their lawsuit on their own
terms". (citations) 56 Cal.App. 3d. at 303
(emphasis added).

16 Accord: People v. Superior Court of Ventura County (1976) 17 Cal.
17 3d. 732, 736, 131 Cal.Rptr. 800.

18 As stated in our opposition, Yanny's attempt to intervene in
19 this litigation is nothing more than a disgraceful attempt by a
20 disqualified attorney to inject himself into this litigation and
21 indirectly violate the injunction issued by Judge Cardenas
22 against representation of Mr. Armstrong, directly or indirectly.

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1 Such tactics deserve the severe condemnation of this Court and
2 the imposition of sanctions against Yanny would be well
3 justified.

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5
6 Date: December 18, 1991

Respectfully Submitted,

7 ERIC M. LIEBERMAN
8 RABINOWITZ, BOUDIN, STANDARD,
9 KRINSKY & LIEBERMAN, P.C.

BOWLES & MOXON

10
11 By: Randall A. Spencer
12 Randall A. Spencer *RS*

13 WILLIAM T. DRESCHER

14 Attorneys for Plaintiff
15 CHURCH OF SCIENTOLOGY
16 OF CALIFORNIA
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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Hollywood, CA 90028.

On December 18, 1991, I caused the foregoing document described as PLAINTIFFS' SUPPLEMENTAL MEMORANDUM OF POINTS AND AUTHORITIES IN OPPOSITION TO APPLICATION TO INTERVENE AND FOR ACCESS TO SEALED FILES AND FOR AWARD OF SANCTIONS AGAINST JOSEPH A. YANNY to be served on interested parties in this action, to the persons at the addresses set forth as follows:

SEE ATTACHED SERVICE LIST

If hand service is indicated, I caused the above-referenced paper to be served by hand, otherwise I caused such envelopes, with postage thereon fully prepaid, to be placed in the United States mail at Hollywood, California.

Executed on December 18, 1991 at Hollywood, California.

Helena K. Kobren

SERVICE LIST

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